

PIP Item 2A.2.2 Create plans to improve the frequency of foster parent/relative caretaker notifications of permanency hearings and the right to be heard.

CB Comments: The Lakes Region's Plan did not address notifications of hearings and right to be heard: also need to discuss- some of the plans did not address how the notice would be made: some plans did not address the right to be heard issue.

Response: DPP Revised SOP 7D.28 to address all aspects of this item. The tip sheet was also revised. Both have been attached for your review.

R. 3/25/10

PERMANENCY HEARINGS

COA STANDARDS:

- N/A

LEGAL AUTHORITY:

- [KRS 610.125 Permanency hearing after custody given to Department of Juvenile Justice or cabinet.](#)

INTRODUCTION:

A permanency hearing is held no later than twelve (12) months after the date the child is considered to have entered foster care, and every twelve (12) months thereafter as long as the Cabinet retains custody of the child. This includes youth eighteen (18) years of age or older on extended/reinstated commitment as long as the Cabinet retains custody.

PROCEDURE:

1. The Children's Benefits Worker (CBW) notifies the FSOS and the SRAA or designee of the due date for the Permanency Hearing ninety (90) days prior to the deadline.
2. The FSOS and SRAA or designee notifies the SSW responsible for the case of the ensuing deadline.

3. The SSW prepares for the second Periodic Review as outlined in [7C.7.5 Twelve \(12\) Month FTM Periodic Review and Permanency Hearing](#) SOP prior to the Permanency Hearing.
4. The SSW sends a copy of the [DPP-165, Permanency Hearing Notification](#) to the court requesting a [Permanency Hearing](#) no later than sixty (60) calendar days prior to the required due date, which is:
 - (a) No later than twelve (12) months from the date the child entered OOHC by order of temporary custody during the Temporary Removal Hearing or placement as a result of voluntary commitment; and
 - (b) Every twelve (12) months thereafter if custody and out-of-home placement continues.Pursuant to [KRS 610.125 \(3\)](#) the court is required to schedule a hearing within sixty (60) days of this notice and notify all concerned parties as noted on the DPP-165.
5. The SSW follows the procedures outlined in [7C.10.1 Process Overview for Permanency Goal in OOHC Cases](#) SOP in preparing for the Permanency Hearing.
6. The SSW is aware that:
 - (a) Statutory deadlines for permanency planning hearings are seen as maximums rather than standard times; and
 - (b) Termination of parental rights is not a permanency goal but the process to reach the permanency goal of adoption.
7. The SSW or designated regional staff notifies and invites the following individuals to the scheduled court hearing:
 - (a) Child's mother
 - (b) Child's father
 - (c) Relative caregiver; and
 - (d) Child's foster/preadoptive parent(s) or private child care provider.Note: If deemed appropriate by the court, the above concerned parties may be asked to present any evidence relevant to the determination of a permanency goal for the child. Concerned parties should be prepared to provide factual information if requested.
8. The SSW documents the notification of the invitation to the scheduled court hearing on the DPP-165 and maintains a copy in the case file.
9. The SSW provides a written report (Case Plan) to the court, which includes the information, required pursuant to [KRS 610.125](#) as outlined in [7C Case Planning – Child Protective Services](#) SOP.
10. When the Case Plan provided by the SSW requests:
 - (a) That a child be returned home on a certain date, it documents:

- (1)How the conditions or circumstances leading to the removal of the child have been corrected, including services provided and services that need to continue after the child's return;
 - (2)The frequency of recent visitation and its impact on the child; and
 - (3)A plan for the child's safe return home and follow-up supervision after the family's reunification.
- (b)Termination of parental rights, it documents:
 - (1)Facts and circumstances supporting the grounds for termination; and
 - (2)A plan to place the child for adoption.
- 11.The SSW maintains a copy of the court order in the case file.
- 12.After reviewing a court's decision, if the SSW and FSOS do not agree with the court's permanency decision, the SSW or FSOS immediately contact the OLS Regional Attorney for consultation on the case.

Tip Sheet for Annual Permanency Hearing

1. The SSW completes the DPP-165-Permanency Hearing Notification form to request a permanency hearing at least sixty (60) days prior to required calendar due date of the hearing.
2. The Permanency Notification form lists all the concerned parties who may be involved in the case. The court is required to notify all the parties listed on the form by the SSW (if addresses are known and provided).
3. The SSW maintains a copy of the DPP-165 form in the case record.
4. Once a hearing date has been scheduled, the SSW or designated regional staff also notifies and invites the:
 - Child's mother;
 - Child's father;
 - Relative caregiver; and
 - Child's foster/pre-adoptive parents or private childcare provider to ensure the parties are notified and documents on the DPP-165 form.
5. The SSW may notify the above parties during home visits, phone conversations, case planning conferences, letters or through other contact.
6. The court may request the above concerned parties provide testimony relevant to the permanency goal. Concerned parties should be prepared to provide factual information if requested.

7. SSW prepares for the Annual Permanency Hearing by submitting a written report to the appropriate court.
8. If the permanency goal is changed to adoption, a pre-permanency conference must be scheduled and held with the Regional attorney prior to the annual permanency hearing.
9. The written report ([sample outline report](#)) along with the Case Plan should be filed with the court. It is recommended that the report be sent to the court at least three (3) working days prior to the review. This will give the court opportunity to review the information.
10. The report needs to clearly document all information relating to the child and family's progress including documentation from collaterals and justification of permanency goal selection.
11. After the permanency hearing, the SSW obtains the AOC-DNA-6 signed by the Judge.
12. A copy of the signed AOC-DNA-6 is sent immediately to the Children's Benefits Worker.
13. If there are concerns regarding the Court's findings, the SSW upon consultation with the FSOS, immediately contacts their Regional Attorney.
14. A Family Team Meeting is conducted when a child's permanency goal is changed by the Court during the Permanency Hearing. The Case Plan is revised to reflect the permanency goal decreed by the Court.

Please Note: Case Plans should be filed with AOC as well as the relevant court. AOC will be tracking all of the children in Out of Home Care.